

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

LORAN LANKFORD

Case No. 05-71581

Plaintiff,

Arthur J. Tarnow  
United States District Judge

v.

INDUCTOHEAT, INC.

Donald A. Scheer  
Magistrate Judge

Defendant.

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**ORDER DENYING DEFENDANT'S MOTION FOR RECONSIDERATION [DE 40]  
AND ALLOWING DEFENDANT 10 DAYS TO FILE RESPONSE TO PLAINTIFF'S  
SUR-REPLY**

Before the Court is Defendant's motion for reconsideration [DE 40]. Defendant objects to the Court's order allowing Plaintiff to file a sur-reply to Defendant's motion for summary judgment and to exceed the 5-page limit [DE 38].

Local Rule 7.1(g)(3) provides that a motion for reconsideration should be granted where the moving party demonstrates a palpable defect by which the court and the parties have been misled and that correcting the defect will result in a different disposition of the case. However, the court will not grant motions for reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication.

In granting Plaintiff's motion to allow a sur-reply brief, the Court considered the costs and benefits of allowing a sur-reply brief, and determined that at this point in the litigation, a sur-reply would assist the parties and the Court. Defendant's motion for reconsideration presents arguments as to the merits of Plaintiff's position, and concludes that to the extent any of the

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information to be presented in the sur-reply may be helpful, it can be presented at oral argument.

The Court finds no reason to delay the presentation of such information until oral argument.

Therefore,

IT IS HEREBY ORDERED that Defendant's motion for reconsideration is DENIED.

IT IS FURTHER ORDERED that Defendant may file a response to Plaintiff's sur-reply no later than 10 days after being served with the sur-reply, and that Defendant's response shall not exceed 10 pages.

SO ORDERED.

Date: February 15, 2006

s/Arthur J. Tarow  
Arthur J. Tarnow  
United States District Judge